REMARKS

This Preliminary Amendment is being submitted together with a Request for Continued Examination (RCE) in view of the remarks included in an Advisory Action mailed on November 16, 2004.

Claims 13 and 22-33 are now pending. Claims 13 and 22-24 were considered in the Advisory Action. Newly presented claims 25-33 are modeled after original claim 1 and recite operation similar to the electronic device of claim 13.

Comment On Advisory Action

In the Advisory Action mailed on November 16, 2004, the Patent Office cited to portions of Sawanda in support of Sawanda teaching a RAM, ROM, and control signals which were said to correspond, respectively, to the claimed "buffer memory," "alert mode memory," and "binary values." Applicant does not dispute that such structure is disclosed by Sawanda, however, in Sawanda, those components are connected differently so as to achieve an entirely different device and method than recited in the pending claims.

In Sawanda, the binary values he describes define one of two inhibit modes which govern in the presence of the control signal. When the control signal is present, the Sawanda phone is inhibited from operation. The binary values described by Sawanda are used to control the inhibit mode when the inhibit control signal is present. Specifically, when the inhibit control signal is present, Sawanda uses binary values set by a user to establish one of two inhibit modes. However, Sawanda does not disclose any circuitry or software that populates a memory in the absence of the inhibit control signal whereas the claimed invention recites a specific mode of phone operation in the presence and in the absence of the control signal.

With respect to claim 13, the contents of a buffer memory govern which of two alert devices is activated when the phone is in an enabled condition (the absence of the control signal) and when the phone is to be squelched (the presence of the control signal). Any alert signal that is generated from an incoming call is directed to a particular alert device on the basis of the contents of the buffer memory. The determination of which alert device to use is never performed directly on the basis of just the contents of the user-settable alert-mode memory. Rather, the buffer memory is populated at all times either with the user-settable alert-mode memory contents or with binary values provided in response to the detection of the squelch signal. Thus, in the device of claim 13, the buffer memory ordinarily contains the same information as the alert-mode memory cell in the absence of the squelch signal. However, if the squelch signal is detected as being present, the buffer memory stores a predetermined binary value instead. Consequently, the alert signal is directed to a particular alert device based on the contents of the buffer memory (and not just the user-set binary values in the alert-mode memory).

At most, Sawanda teaches the use of binary values to govern the inhibit mode of operation when the inhibit control signal is present. Sawanda is silent as to the use of any values, binary or otherwise, to govern operation when the phone is enabled, or to govern the transitions between squelched/inhibited and unsquelched/enabled operation, or to govern which device to use in alerting a user when the device is in the enabled mode. Therefore, its combination with Weber, which is silent as to binary-value based phone control, does not render the structure of claim 13 obvious.

In short, the device of claim 13 utilizes two memories and control signals to govern an alert mode switch both in the presence and absence of a detected squelch signal which is not taught or suggested by Weber or Sawanda.

With respect to newly presented claim 25, a method for automatically placing a device in a quiet mode of operation includes steps that are implemented by the device of claim 13 and are

believed to distinguish patentably over the combination of Weber in view of Sawanda for the reasons outlined above. The presence of a broadcast squelch signal is detected by monitoring signals that arrive at the device from an emitter. A control signal is generated in response to the detection of the broadcast squelch signal. This control signal impacts whether a first binary value (which signifies the quiet mode of operation) is written to a buffer memory. In the presence of the detected control signal, that first binary value is written to the buffer memory. However, in the absence of the control signal, the contents of the alert-mode memory are written to the buffer memory. At all times, the state of an alert mode switch is controlled based on the contents of the buffer memory. As a result, a vibrator is activated in response to the incoming message whenever the binary value in the buffer memory is the first binary value. An acoustic driver can be activated in response to the incoming message whenever the binary value in the buffer memory is different than the first binary value, as recited in new claim 26.

The Rejection Under Section 103

The Final Action mailed on July 9, 2004 rejected claims 13 and 22-24 as being obvious over Weber in view of Sawada. Applicant respectfully traverses that rejection.

The Patent Office expressly acknowledges that Weber does not disclose several of the structural elements recited in claim 13, including: a processor that is operatively connected to the output of the detector; an alert mode memory cell; a buffer memory; or a switch, connected as claimed. For these features, the Patent Office cites to Sawada and contends that it would have been obvious to a person of ordinary skill in the art to modify Weber to include the binary value RAM circuit of Sawada to regulate the mode of the phone in the manner recited in the pending claims. Applicant respectfully disagrees.

Generally, for the reasons stated above, the combination of Weber and Sawanda provides structural elements as recited in the device of claim 13, but does not teach or suggest the interconnection of the recited elements to govern operation in both the presence and absence of a squelch signal.

Were one of ordinary skill in the art to modify Weber in view of Sawada, as proposed, a broadcast controlled alert scheme would result that employs binary values, just as the Patent Office contends. That is because Sawada does teach a use of binary values. However, such a system would require only a "buffer memory" that has a first value in the absence of the squelch signal and a second value in the presence of the squelch signal. The proposed combination does not teach, suggest or require the further feature of an alert mode memory cell storing a user-set alert mode or operation relative to the buffer memory in the absence of the squelch signal.

Sawada also discloses the storage of a user-set preference, but that preference setting governs the operating mode of the phone in the presence of the broadcast signal. In other words, when the broadcast signal is detected, the phone of Sawada goes into one of two versions of an "inhibit mode," depending on the user's setting (stored as a binary value). One version inhibits incoming calls and the other inhibits both incoming calls and outgoing calls. Critically, however, there is no teaching or suggestion of binary-value processing of a user-setting to adjust an operating mode in the absence of the broadcast signal, by which setting the phone responds to ***incoming calls*** with a ring or a vibration as a function of the user's setting. That is precisely the purpose of the claimed alert mode memory cell. The user settings of Sawada operate in exactly the opposite mode than recited in claim 13, effecting the degree to which the operation of the phone is inhibited rather than a preference of how an ***enabled*** phone is to respond to an incoming call. Thus, the combination of Sawada with Weber is clearly different.

The buffer memory of claim 13 stores the value from the alert mode memory cell in the absence of the detection of a squelch signal. The contents of the alert mode memory cell store the user's preferences for ring or vibrate when the phone is enabled. The setting in the alert mode memory cell populates the buffer memory and thereby governs the manner in which the alert signals are directed. It is only when the squelch mode is detected signifying that a quiet mode is appropriate that the buffer memory is instead populated with a predetermined value in lieu of the user's preference stored in the alert mode memory cell.

Thus, while the proposed modification of Weber in view of Sawada adds binary-value processing to Weber, the resulting combination still does not teach or hint at the particular arrangement recited in claim 13. Nor is there a suggestion in either document to engraft both a buffer memory and an alert mode memory cell to direct alert mode signals in the absence of a squelch signal in accordance with stored user-settings.

Newly presented method claims 25-33 are similar in recitations to canceled claims 1, 2, 5-8, and 20-21 which were rejected in the July 9, 2004 Office Action over the combination of Weber in view of Sawanda. Insofar as newly presented method claims 25-33 define operation of a device both in the presence and absence of a control signal, using two different memories and control signals to manage that function, Applicant submits that those claims are allowable over the combination of Weber in view of Sawanda for the reasons noted above with respect to claim 13.

Reconsideration and allowance of claims 13 and 22-33 are requested.

The Examiner is invited to contact the undersigned by telephone if that will expedite allowance of this application.

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Respectfully submitted,

By _____

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